

**PHYSICAL THERAPY BOARD OF CALIFORNIA****Consumer Protection Services Program**

1418 HOWE AVENUE, SUITE 16, SACRAMENTO, CA 95825-3204
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December 1, 2003

Citation No. 03-04-0088

Jacob Cohen, PT
16260 Ventura Blvd., #600
Encino, CA 91436

CITATION

Investigation of a complaint submitted revealed actions taken by you which violate sections of the law regulating the practice of physical therapy.

The Physical Therapy Board of California received a complaint alleging that you aided and abetted the practice of physical therapy in that you allowed physical therapist license applicants conducting their Clinical Service per Section 2639 of the B&P to practice independent of the supervision of a licensed physical therapist at Rehab. Centre of Beverly Hills during the period on or about December 2002 through January 2003.

FIRST CAUSE FOR CITATION

1. 2660 (j) of the Business and Professions Code

The aiding and abetting of any person to violate this chapter or any regulations duly adopted under this chapter.

SECOND CAUSE FOR CITATION

2. 2660 (K) of the Business and Professions Code

The aiding and abetting to engage in the unlawful practice of physical therapy.

On September 22, 2003, an interview was conducted by the Department of Consumer Affairs, Division of Investigation (DOI), and you admitted not being familiar with the regulations pertaining to the supervision of physical therapist licensed applicants. The Applicants in this matter are; Demetrius Cuz, Joebert Tan, Jurijin Pimentel (Last name of Feliciano at the time of the violation).

It was further confirmed that you allowed Demetrius Cruz to conduct physical therapy and patient assessments without formal and direct supervision by a licensed physical

therapist. According to the DOI report, you were under the understanding that because D. Cruz was licensed in the State of New York, and that because of “reciprocity” Cruz would work in this state until his California license was issued. Therefore, Cruz was allowed to work unsupervised for approximately a 2 - 3 week period. And that it was not until Department of Health Services came into to the facility to conduct their routine survey, that you became aware that Cruz could not work unsupervised until he received his P.T. license. At that point D. Cruz was asked not to work until he received his physical therapist license. D. Cruz returned to work on February 21, 2003 which was the date he received his California physical therapy license.

Based on records reviewed it was determined that the above named practiced independently without the proper supervision of a licensed physical therapist on the following patients¹:

Resident #2:

Physical Therapy Daily Progress - Entry dated 1/20/03 shows that PTLA Joebert Tan documented that patient’s treatment was withheld because patient “would not get up from bed & refuses to take pain meds prior to the therapy.” Entry dated 1/27/03 and daily progress note shows that Tan provided physical therapy to this patient. There is no co-signature by a licensed physical therapist to document supervision or oversight.

Weekly Summary of Progress - PTLA Tan completed a weekly progress note on this patient. There is no co-signature to document supervision or oversight.

Resident #3:

Rehabilitation Screening: PTLA Demetrius Cruz provided rehabilitation screening this as evidenced by entries dated 11/25/02 and 12/12/02 under “Observations and Comments”. No documentation of a licensed physical therapist’s review or supervision.

Resident #5:

Physical Therapy Daily Progress - Entries dated 12/31/02, 1/13/03, 1/14/03 and 1/27/03 indicate PTLA Demetrius Cruz provided physical therapy services to these patients. Entries dated 1/2/03, 1/8/03 and 1/9/03 indicate that PTLA Jurijin Feliciano provided physical therapy services to this patient. Entry dated 1/4/03 indicates that PT aide Nancy Sol provided physical therapy services to this patient. No documentation

¹. Numbers are used to identify each patient and to protect the patients’ privacy. The full names will be provided to the Applicant in discovery.

or “co-signature” by a licensed physical therapist to document supervision or oversight.

RNA - Referral Form This document indicates PTLA Cruz performed a physical therapy assessment of this patient on 1/22/03. There is no documentation to show that a licensed physical therapist reviewed or supervised this assessment.

P.T. Evaluation - This document indicates that PTLA Cruz performed the initial P.T. evaluation on 12/31/02. No documentation of a licensed physical therapist’s review or supervision.

Rehabilitation Screening - PTLA Cruz provided rehabilitation screening this as evidenced by your entries dated 12/31/02 under “observations and comments.” No documentation of a licensed physical therapist’s review or supervision.

Resident #9

PT Daily Progress - Entries dated 12/30/02, 1/9/03 and 1/20/03 indicate that PTLA Cruz provided physical therapy services to this patient. Entries dated 1/17/03, 1/21/03, 1/22/03 and 1/27/03 indicate that PTLA Jurijin Feliciano provided physical therapy services to this patient. Entry dated 1/8/03 indicates that PT aide Nancy Sol provided physical therapy services to this patient. There are no “co-signatures” by a licensed physical therapist to document supervision oversight.

Weekly Summary of Progress - PTLA Cruz made weekly progress note entries dated 12/3/02 and 1/20/03; No documentation of a licensed physical therapist’s review or supervision.

P.T. Evaluation - PTLA Cruz performed the initial physical therapy evaluation on 12/24/02. No documentation of a licensed physical therapist’s review or supervision.

Resident #11

PT Daily Progress - Entry dated 1/16/03 indicate PTLA Cruz provided physical therapy services to this patient. Entry dated 1/8/03 indicates that PT aide Boris Kasehov provided physical therapy services to this patient. There are no “co-signatures” by a licensed physical therapist to document supervision oversight.

P.T. Evalaution - This document indicates PTLA Cruz performed the initial physical therapy evaluation on 1/16/03. No documentation of a licensed physical therapist’s review or supervision.

Rehabilitation Screening - PTLA Cruz provided rehabilitation screening this as evidenced by your entry dated 1/16/03 under “Observations and Comments.” No documentation of a licensed physical therapist’s review or supervision.

Resident 12

PT Daily Progress - Entry dated 1/03/03 indicates PTLA Cruz provided physical therapy services to this patient. Entry dated 1/6/03 indicates PTLA Jurijin Feliciano provided physical therapy services to this patient. There is no "co-signature of a licensed physical therapist to document supervision oversight.

Weekly Summary of Progress - PTLA Cruz made weekly progress note entry on 1/9/03 for this patient. No documentation of a licensed physical therapist's review or supervision.

Resident 13

PT Daily Progress - Entries dated 1/21/02, 1/22/03, 1/23/03 and 1/24/03 indicate PTLA Cruz provided physical therapy services to this patient. Entries dated 1/2/03, 1/23/03 and 1/27/03 indicate that PTLA Jurijin Feliciano provided physical therapy treatment to this patient. There is no "co-signature" by a licensed physical therapist to document supervision oversight.

Weekly Summary of Progress - PTLA Feliciano made weekly progress note entry on 1/27/03 for this patient. No documentation of a licensed physical therapist's review or supervision.

P.T. Evaluation - This document indicates PTLA Cruz performed the initial physical therapy evaluation on 1/21/03. No documentation of a licensed physical therapist's review or supervision.

Rehabilitation Screening - You provided rehabilitation screening and this is evidenced by your entry dated 1/21/03 under "Observations and Comments." No documentation of a licensed physical therapist's review or supervision.

Resident 19

PT Daily Progress - Entries dated 12/27/02, 1/3/03 and 1/6/03, 1/7/03, 1/8/03, 1/9/03, 1/14/03, 1/20/03, 1/23/03 and 1/24/03 indicate that PTLA Cruz provided physical therapy services to this patient. Entries dated 12/19/02 and 12/24/02 indicate that PTLA Jurijin Feliciano provided physical therapy treatments to this patient. There is no "co-signature" by a licensed physical therapist to document supervision oversight.

Weekly Summary of Progress - PTLA Cruz made weekly progress note entries on 1/7/03, 1/14/03 and 1/27/03 for this patient. No documentation of a licensed physical therapist's review or supervision.

Resident 20

PT Daily Progress - Entries dated 1/24/03 indicates PTLA Cruz provided physical therapy services to this patient. Entry dated 1/28/03 indicate that PT aide Boris Kasehov provided physical therapy services to this patient. There is no "co-signature" by a licensed physical therapist to document supervision oversight.

RNA Referral Form - This document indicates PTLA Cruz performed a physical therapy sssessment of this patient on 1/21/03. No documentation of a licensed physical therapist's review or supervision.

P.T. Evaluation - This document indicates PTLA Cruz performed the initial physical therapy evaluation on 1/24/03. No documentation of a licensed physical therapist's review or supervision.

Rehabilitation Screening - PTLA Cruz provided rehabilitation screening and this is evidenced by your entries dated 1/21/03, 1/23/03 and 1/24/03 under "Observations and Comments." No documentation of a licensed physical therapist's review or supervision.

Physician's Telephone Orders - Two instances PTLA Cruz documented physician telephone orders on 1/24/03.

Resident #21

Physical Therapy Daily Progress - Entries dated 1/15/03, 1/16/03, 1/17/03, 1/24/03 indicate that PTLA Joebert Tan provided physical therapy services to ths patient. There is no "co-signature" by a licensed physical therapist to document supervision or oversight.

Weekly Summary of Progress - PTLA Tan completed a weekly progress not on 1/22/03. There is no documentation of supervision or oversight.

Resident #22

PT Daily Progress - Entries dated 1/20/03 and 1/21/03 indicates PTLA Cruz provided physical therapy services to this patient; however, there is no "co-signature" by a licensed physical therapist do document supervision oversight.

Based on these findings, you are subject to a Citation and Fine and are hereby issued to you in accordance with Section 125.9 of the Business and Professions Code.

Therefore, you are subject to a Citation and Fine under this section of the CCR in that you engaged in providing physical therapy services autonomously without the supervision of a licensed physical therapist. The circumstances are as follows:

ORDER

Further, **you are ordered to pay a fine of \$ 2500.00** to the Physical Therapy Board of California within 30 days after receipt of this Citation.

If you wish to contest all or any part of this Citation, complete the enclosed "Notice of Appeal -Request for Informal Conference" form and return it to this office within 10 days after receipt of this Citation. The date indicated on the order of abatement will be held in abeyance only for any violation(s) you wish to contest. The time to correct all uncontested violations will be adhered to as specified. In the alternative, you may, within 30 days after receipt of this Citation, request a formal administrative hearing before an administrative law judge under the Administrative Procedure Act.

FAILURE TO RETURN THE REQUEST FOR INFORMAL CONFERENCE FORM OR TO REQUEST AN ADMINISTRATIVE HEARING WITHIN THE TIMES INDICATED WILL WAIVE YOUR RIGHT TO ADMINISTRATIVELY CONTEST OR APPEAL THIS CITATION.

Administrative Fine

\$ 2500.00

FOR YOUR PROTECTION AND TO ASSURE PROPER CREDIT,
PLEASE RETURN THE COPY OF THE CITATION
AND NOTE THE CITATION NUMBER ON YOUR CHECK
OR MONEY ORDER.

December 1, 2003
Date

Original Signed By:

STEVEN K. HARTZELL
Executive Officer



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ORDER OF ABATEMENT
December 1, 2003

Citation Against: Jacob Cohen, PT

Citation No. 03-04-0088

Description:

Cause No. 1

Violation: Business and Professions Code Section 2660 (j)

The aiding and abetting of any person to violate this chapter or any regulations duly adopted under this chapter.

Cause No. 2

Violation: Business and Professions Code Section 2660 (k)

The aiding and abetting of any person to engage in the unlawful practice of physical therapy.

Order of Correction

You are hereby ordered to abate this violation immediately and to cease and desist from further violation.

Failure to comply with the provisions of this Citation and Order of Abatement within 30 days of receipt may result in further legal action.